

REMARKS/ARGUMENTS

Applicants gratefully note the presence of allowable matter, as indicated in the July 21, 2005 Office Action. Claims 11 and 12 stand rejected under 35 U.S.C. §103(a) as allegedly obvious over U.S. Patent No. 5,587,924 to Rossi (hereinafter referred to as Rossi) in view of U.S. Patent No. 3,683,130 to Khan (hereinafter Khan). Applicant respectfully requests reconsideration of the claims in view of the above amendments and the comments below.

II. 35 U.S.C. §103(a) Claim Rejections

Claims 11 and 12 stand rejected under 35 U.S.C. §103(a) as allegedly obvious over Rossi in view of Khan.

A. Standard

To establish and maintain a *prima facie* case of obviousness, the argument in the Office Action requires:

- i. “some suggestion or motivation … to combine”;
- ii. “a reasonable likelihood of success”; and
- iii. “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” (Emphasis added)

(M.P.E.P. 2143, *In re Vaeck*, 947 F.2d 488, USPQ2d 1438 (Fed. Cir. 1991)).

Accordingly, when a rejection cannot show these items *in toto*, the rejection must be withdrawn.

B. Rejections over Rossi in view of Khan (Claims 11 and 12)

1. **Claim 11**

Claim 11 recites a filter apparatus. The apparatus includes “an active twin-T filter” where the “active twin-T filter is operable to filter communications signals associated with a first wireless standard.”

The Examiner states that the apparatus in Rossi is “utilized … for removing the *noise from a battery supply[.]*” (Emphasis added.) (Office Action of July 21, 2005 (hereinafter “OA”), p. 2, line 9 of para. 1.) Further, it is stated in the Office Action that the Rossi apparatus can ostensibly be used “for removing noise associated with communication circuit powered by the [battery.]” (OA, p. 2, line 10 of para. 1.) Additionally, the Office Action makes the point that “[i]t is considered that any communication signal entering this filter will be filtered[.]” (Id.)

First the examiner is not correct in making the leap to include communications signals, since there is no indication that the Rossi structure includes any such communication signal. In fact, the *only* input into the Rossi device is a battery supply and possibly white noise from a white noise generator. (e.g. the battery supply connections present in Figs. 2, 3, 4, 5a, 5b, and the reference to the battery supply in the state diagram of Fig. 6.)

Interestingly and relatedly, one will note that Rossi *never* mentions or alludes to any other signal being input to the device – not any single diagram, sentence, or clause introduces or suggests that a communications signal is input into the Rossi circuit – ever. Since the circuit of Rossi is never coupled to any communication circuit, nor interacts with any other circuit other than to identify a battery type (see remarks following), the Applicant is perplexed as to the leap of faith in the Examiner’s reasoning where it is

assumed that “any communication signal [would] enter[] this filter”, as suggested in the OA.

As further proof of this misinterpretation, an assertion is made in the OA that the apparatus is used to “remove noise from a battery supply[.]” This is incorrect, which in turn makes the other assertions that follow from it equally as incorrect.

The Rossi apparatus is used to *only* to identify what type of battery is present, and how much charge is left on the battery. (see col 1, line 46 – “[t]he [Rossi apparatus] is a system for determining a battery’s energy capacity”, and col. 1, line 54 – “[the Rossi apparatus] indicates the type of battery in stalled in the battery pack.” (*sic*)) The implication that the filter is used to remove noise transients from a battery supply is just plain incorrect. Thus, the asserted use of the filter to “remove noise from a battery supply” is a wrong assumption.

Accordingly, the following statement that the structure is used for “removing noise associated with a communication circuit powered by the [battery]”, is also incorrect as well. There is no indication in Rossi that transients from the battery would do anything at all to an associated communication circuit (let alone any other input, since the only input is from the battery pack.....). The system of Rossi is isolated to the battery and the monitoring circuitry used to check the type of battery and the power level. There is no interaction at all between the filter system described by Rossi and any other coupled circuits that the battery might drives.

Accordingly, since the only interaction of the Rossi device is between a monitor circuit and the battery, there can be no use of the Rossi circuit to screen transients *from*

the battery, and therefore the idea that the Rossi circuit would filter anything else is not present.

Accordingly, Applicants respectfully object to the characterization in the Action that Rossi shows or suggests an “active twin-T filter … *filter[ing] communications signals* associated with a *first wireless standard*”, as described in Claim 11. Rossi is only used to couple the battery input to a detection device, and does not interact with any other operation. There is no mention or suggestion of filtering transients from the battery (as implicated by the OA), let alone any mention or suggestion of any sort of placing any communications signal in the system, let alone any mention or suggestions under any standard of any sort.

In this manner, the Examiner has failed to meet the *prima facie* case of obviousness, since the prior art references do not teach or suggest *all* of the elements of the claimed invention. Accordingly, the rejection of Claim 11 under §103(a) is respectfully traversed for this reason, among others. Applicant requests that this rejection be withdrawn.

2. **Claim 12**

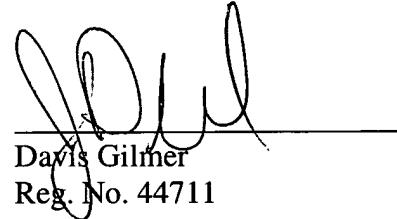
Claim 12 depends from Claim 11. Accordingly, using the same reasoning as expressed in the text concerning Claim 11, among others, the rejection of Claim 12 under §103(a) is respectfully traversed. Applicant requests that this rejection be withdrawn.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 408-579-9216.

Respectfully submitted,



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